

Mr. Sushant Yeramwar for the Petitioner.

Ms. P. M. J. Deshpande. AGP for the State/Respondent Nos. 1 and 3.

Adv. Bernado Reis a/w. M. Sapkal i/b Mr. Arun Sapkal and Co. for the Respondent No.2.

DATE : 11th MARCH, 2025

1. This case is an example of how a Revenue Authority can make a litigant run from pillar to post. Rather than softening the rigours of litigation, further orders are passed to aggravate the miseries of the Petitioner.

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which is on record at Page No.20. In english, the words Hindu Koli Mahadev are specifically mentioned in the blank space allocated. In marathi, it is added as Koli Mahadev. The Management insisted that the Petitioner should produce a Tribe Validity Certificate. For the said purpose, he approached the Committee. The Committee informed him that he should bring the Tribe Certificate in Form C. He, therefore, moved an online application to the SDO, Gadhinglaj on 9th May, 2024. His cousin nephew is granted a Validity Certificate. The Family Genealogy and the Validity Certificate of the cousin nephew was also uploaded online. Thereafter, he kept on pursuing the SDO to accept the original Tribe Certificate, in order to receive the Form C Tribe Certificate.

3. This Court has delivered several orders concluding that once a candidate has a Tribe or Caste Certificate and for the purpose of the Validity Certificate, he can approach the Competent SDO by tendering an online application for issuance of the Form C Certificate. The SDO only has to find out whether the original Certificate which is being returned, is genuine or not and after accepting it, issue a Form C Certificate. Since the SDO sat on his file, this Petition was filed on 17th November, 2024.

4. The learned Advocate for the Petitioner submits that a direction be issued to the SDO to accept his Original Certificate and issue a Form C Certificate. What happened after the filing of this Petition, is that the SDO, Gadhinglaj Shri. Eknath Kalbande is said to have passed an order on 3rd December, 2024 rejecting the application of the Petitioner. The said order is then shown to be dispatched through the outward register on 2nd February, 2025. The same has still not reached to the Petitioner. This information is tendered by the learned AGP who passes on a photostat copy of the order dated 3rd December, 2024 across the bar. The same is marked as 'X' for identification.

5. In view of the above, we accept the oral request of the Petitioner to add prayer clause A-1 praying for quashing of the order 'X' dated 3rd December, 2024. Addition of prayer to be carried out forthwith.

6. It is often said that Revenue Authorities make the common man run from pillar to post. This case is one such example. On the one hand, the SDO does not issue the Form C Certificate. On the other hand, the BSNL terminates the service of the Petitioner as

if the Petitioner is at fault in not tendering the Validity Certificate within time. The Petitioner does have a Koli Mahadev Tribe Certificate issued on 18th December, 1981. He must have been around 12 years of age at the relevant time. The SDO observes in the impugned order that the school record indicates Koli Mahadev in a different ink. This remark is mentioned despite observing in the impugned order that the original register was not placed before the SDO for his inspection.

7. It is obvious that the impugned order 'X' is passed only for the purpose of rejecting the application of the Petitioner, when this Court has recorded in hundreds of orders that the original should be accepted by the SDO and a fresh Certificate in Form C should be issued. Due to all that has happened as recorded above, the Petitioner, who is at the verge of retirement on 31st May, 2028, has been issued with the order of termination by the BSNL.

8. The learned Advocate representing the BSNL opposes the Petition contending that because the petitioner did not tender the Validity Certificate, he has been terminated.

9. We find that in *Shrikant s/o Chandrakant Saindane versus State of Maharashtra and Others*,¹ this Court has concluded that an Employer should grant an appointment order to a candidate from the reserved category when he can demonstrate that he has a caste or Tribe Certificate and such appointment order should be issued by which the candidate can be recruited in service on the condition that he would tender a Validity Certificate. It is also settled law that it is not in the hands of an applicant to get a Validity Certificate within a particular timeline. It is the Committee which has to decide the proposal. The Committee takes years in some cases to decide such proposals. There are hundreds of orders passed by this Court directing the Committee to decide such proposals within a timeline. A grave prejudice and manifest inconvenience has been caused to the Petitioner not only by the SDO, but even by the BSNL which has terminated him.

10. In view of the above, **this Petition is allowed with the following directions:**

(a) The impugned order of termination dated 8th November, 2024

¹ 2012 (1) Mh. L.J.

is quashed and set aside.

(b) The Petitioner shall be reinstated in service by the BSNL, with continuity.

(c) The issue of backwages would be dealt with after the Petitioner's claim is validated and then the BSNL can calculate the amount and make the payment.

(d) The BSNL, for the present, would post the Petitioner on a supernumerary post until the claim is validated.

(e) The impugned order dated 3rd December, 2024 is quashed and set aside by imposing cost of **Rs. 5,000/-** on Shri. Eknath Kalbande, SDO, Gadhinglaj, Division SDO, Gadhinglaj for passing the order on 3rd December, 2024 and creating a picture that the order was dispatched through the outward section on 2nd February, 2025.

(f) The Registry shall transfer the said amount, by consent of the Petitioner, to the following account:

Children Aid Society, Mumbai:

Account Number : 02370100005612
 Bank Name : UCO Bank
 Branch : Matunga
 IFSC : UCBA0000237

(g) The amount of cost of **Rs.5,000/-** shall be deposited in this Court within thirty days, from the salary bank account of the SDO.

(h) This order shall be entered in the service book of Shri. Eknath Kalbande, by the District Collector, Kolhapur.

(i) The learned Registrar Judicial of this Court is directed to place a copy of this order before the District Collector, Kolhapur, expeditiously for compliance.

(j) The Petitioner would approach the SDO, Gadhinglaj on 24th March, 2025 at 12 noon and surrender the Original Tribe Certificate.

(k) The said SDO shall issue a written acknowledgment to the Petitioner of having received the Original Tribe Certificate.

(l) On 1st April, 2025, the said SDO shall issue the Form C Tribe Certificate to the Petitioner.

(m) The Petitioner is at liberty to tender the same before the Committee along with his proposal.

(n) The BSNL shall issue a recommendatory letter for placing the proposal of the Petitioner before the Competent Committee.

(o) We expect the Committee to decide the claim of the Petitioner, on or before 31st March, 2026.

(p) For easy correspondence, the Petitioner tenders his E-mail Address as well as the Whatsapp Number, as under:

E-mail Address : omkarpatil2326@gmail.com

Whatsapp No. : 7798232659

(q) The Petitioner would avoid seeking adjournments on unreasonable or trivial grounds.

(r) Till the Petitioner's claim is validated, the BSNL would continue the Petitioner on a supernumerary post.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)